

**Notice of Allowability**

Application No.

10/065,809

Examiner

Anh-Vu H. Ly

Applicant(s)

BLANC ET AL.

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed September 04, 2007.
2. ☒ The allowed claim(s) is/are 10-16 and 18-22 renumbered as 1-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

**EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Anthony J. Canale on January 28, 2008.

The application has been amended as follows:

***In The Claims***

10 (Currently Amended) A queue scheduling mechanism in a data packet transmission system, the data packet transmission system including a transmission device for transmitting data packets, a reception device for receiving said data packets, a set of queue devices respectively associated with a set of priorities each defined by a priority rank in a plurality of priority ranks for storing each of data packets transmitted by said transmission device into the queue device corresponding to one of said priority ranks and a queue scheduler for reading, at each packet cycle, a data packet in one of said queue devices determined by a normal priority preemption algorithm, said queue scheduling mechanism comprising:

a credit device that provides at each packet cycle a value N defining a priority rank to be considered by said queue scheduler, the considered priority rank is selected based on a pre-determined value related to all of said priority ranks which are associated with said queue scheduling mechanism, whereby a data packet is read by said queue scheduler from a the queue

device corresponding to the priority rank N instead of said a queue device determined by the normal priority preemption algorithm,

wherein said pre-determined value comprises a pre-determined percentage of occurrence of said considered priority rank relative to all of said priority ranks.

17. (Canceled).

***Allowable Subject Matter***

2. Claims 10-16 and 18-22 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or fairly suggest that wherein said pre-determined value comprises a pre-determined percentage of occurrence of said considered priority rank relative to al of said priority ranks, as specified in independent claim 10.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Merani et al (US Patent No. 6,904,056 B2) discloses method and apparatus for improved scheduling technique.

Dell et al (US Patent No. 7,158,528 B2) discloses scheduler for a packet routing and switching system.

Merani et al (US Patent No. 6,914,882 B2) discloses method and apparatus for improved queuing.

Kappler et al (US Patent No. 6,064,677) discloses multiple rate sensitive priority queues.

Harrison et al (US Patent No. 6,091,709) discloses quality of service management for packet switched networks.

Falco et al (US Patent No. 6,501,733 B1) discloses method for controlling data flow associated with a communications node.

Saitoh (US Patent No. 7,295,553 B2) discloses packet buffer.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number:  
10/065,809  
Art Unit: 2616

Page 5

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